

III. Remarks

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. Applicants appreciate allowance of claims 6-10. After the amendments detailed above, claim 1 has been amended and claims 2-10 have been maintained in their previous form.

A. Discussion of Amended Independent Claim 1

Claims 1-5 were rejected under 35 USC 101 as being directed to non-statutory subject matter. These rejections are moot as independent claim 1 has been amended. In particular, claim 1 has been amended to clarify that the claimed method for calculating a metric is a computer-implemented method. Accordingly, claim 1 is now directed to patentable subject matter. Additionally, dependent claims 2-5 further define claim 1, and are therefore patentable as well.

B. Conclusion

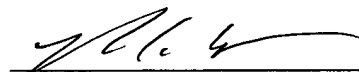
Applicants note that the formal drawings of Figs. 10 and 11 were inadvertently excluded from the set of formal drawings filed on August 21, 2001. Applicants hereby submit the formal drawings for Figs. 10 and 11.

No fees are believed due. However, if any additional fees are required to complete this filing, the Commissioner is authorized to charge those fees, or credit any overpayment, to Account No. 13-0480, Attorney Docket No. 68146988.712.

If the Examiner has any questions regarding this Amendment and Response to Non-Final Office Action or the Application in general, Examiner is invited to contact the Applicants' attorney at the below-listed telephone number.

Respectfully submitted,

Date: 13 July 2005



Richard V. Wells, Reg. No. 53,757
Baker & McKenzie LLP
Attorney for Applicants
(214) 978-3006 (telephone)
(214) 978-3099 (fax)